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EXAMINER

TRAN, NGHI V

ART UNIT PAPER NUMBER

2151

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/929,654

Applicant(s)

TRAN ET AL.

Examiner

Nghi V Tran

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☒ Claim(s) 1 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities: "an applications content section module" appears to be a typo error for --an application content section module-- (emphasis added). Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation "the server system" in page 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section

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351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1 and 10-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Young, et al., U.S. Patent Application Publication No. 2002/0065774 (hereinafter Young).

6. With respect to claim 1, Young teaches a wireless server system [fig.1 and see abstract] comprising:

- an application content selection module [i.e. communication application] for providing wireless applications content parameters pertinent to a type of wireless client [paragraph 0035]; and
- a plurality of applications content provider service [paragraph 0044-0046 i.e. the electronic transaction portal], in response to receiving a particular client type associated with a particular wireless client for dynamically presenting authorized content in a format suitable [fig.2 i.e. marketing channels] to said wireless client based on said particular client type [paragraphs 0035-0037], wherein said plurality of applications content provider service is within the wireless server [paragraph 0034 i.e. "the wireless server" is interpreted as "the transaction portal server"] and wherein said plurality of applications content provider service is also for formatting selected content to said particular wireless client for presentation thereto [paragraphs 0007-0008].

7. With respect to claim 10, Young teaches a client aware applications content selection and retrieval system in a wireless network [], comprising:

- a wireless server [14 i.e. transaction portal server];
- a plurality of classes of wireless clients [10 i.e. mobile phone], each of said classes of wireless clients comprising unique identification parameters [paragraph 0037]; and
- a client aware content selection service [fig.2 i.e. merchants offers product through any existing marketing channel] for providing content selection and retrieval procedures in response to client type identifications of content accesses requests from said wireless clients [paragraphs 0045-0051].

8. With respect to claim 11, Young further teaches a content provider module coupled to said content selection service for delivering content selected by said wireless client in a format suitable for said wireless client [fig.2 and paragraphs 0045-0049].

9. With respect to claim 12, Young further teaches the content provider module includes a plurality of content provider logic for formatting content specific to a wireless client type [paragraph 0035].

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 2-9, and 13-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young as applied to claims 1 and 10 above, and further in view of Bhatia et al., U.S. Patent Application Publication No. 2002/0090932 (hereinafter Bhatia).

12. With respect to claims 2 and 14-16, Young is silent on an applications content available module coupled to said content selection module for determining whether content selected by said particular wireless client is available to the server system for delivery to said particular wireless client.

In a communication system, Bhatia discloses an applications content available module [i.e. real-time status subscriber information] coupled to said content selection module for determining whether content selected by said particular wireless client is available to the server system for delivery to said particular wireless client [paragraphs 0046-0048].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Young in view of Gupta by determining whether content selected by said particular wireless client is available to the server system for delivery to said particular wireless client because this feature enables a better personalize services based upon user situation, e.g., user mobility [Bhatia, paragraph 0017]. It is for this reason that one of ordinary skill in the art at the time of

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the invention would have been motivated to modify Young in view of Gupta in order to avoid perceived obsolescence, telecommunications system operators, and loss of identity [Bhatia, paragraph 0006].

13. With respect to claim 3, Young further teaches an automatic client detection service for automatically detecting and providing client type information of said particular wireless client.

In a communication system, Bhatia discloses an automatic client detection service [i.e. automatically trigger] for automatically detecting and providing client type information of said particular wireless client [paragraphs 0045].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Young in view of Gupta by automatically detecting and providing client type information of said particular wireless client because this feature may reduces the cost to operate. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify Young in view of Gupta in order to need not manually request the service nor to manually enter the service [Bhatia, paragraph 0045].

14. With respect to claim 4, Young further teaches said particular client [10 i.e. mobile telephone] provides a service request [i.e. a consumer] to determine the type of content to be delivered to said particular client [paragraphs 0045-0049].

15. With respect to claim 5, Young further teaches said service request includes header information, which identifies the class type [i.e. a unique user name or identification number] of, said particular client [paragraph 0037].

16. With respect to claim 6, Young further teaches said content [i.e. merchants] is provided [i.e. offers] in response to said particular client if said content is authorized [paragraph 0068] for delivery to said particular client and available to the server system [fig.2].

17. With respect to claim 7, Young further teaches said applications content provider module [15 i.e. portal] formats content specific to client type information provided by said particular client [paragraphs 0049-0051].

18. With respect to claim 8, Young further teaches said particular client is a hand-held device [10 i.e. mobile phone].

19. With respect to claim 9, Young further teaches said particular client is a wireless phone [10 i.e. mobile phone].

20. With respect to claim 17, Young further teaches said client content provider comprises a plurality of content provider logic [i.e. merchants offers product through any

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existing marketing channel] for presenting content suitably formatted for said client [fig.2 and paragraphs 0045-0049].

21. With respect to claim 18, Young further teaches content provider further comprises content presentation service [i.e. interface] for formatting and presenting content suitable for display in a client aware manner [paragraph 0035].

22. With respect to claim 19, Young further teaches said content presentation service comprises a user interface [i.e. browser on the display screen of the mobile phone such as a reduced HTML or WAP] for supporting a variety of wireless devices connecting to said wireless server [paragraph 0035].

23. With respect to claim 20, Young further teaches said user interface includes a wireless markup language interface [paragraph 0035].

24. With respect to claim 21, Young further teaches said user interface further includes a wireless handheld markup language [paragraph 0035 i.e. WAP or a reduced HTML which is inherent as WML].

25. With respect to claims 13 and 22, Young is silent on said content presentation service is extensible to dynamically include run-time content parameters unique to said client.

In a communication system, Bhatia discloses said content presentation service is extensible to dynamically include run-time content parameters unique to said client [paragraphs 0044-0045].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Young in view of Gupta by extensible to dynamically include run-time content parameters unique to said client because this feature may reduces the cost to operate. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify Young in view of Gupta in order to need not manually request the service nor to manually enter the service [Bhatia, paragraph 0045].

26. With respect to claim 23, Young is silent on said profile service comprises selection logic for selecting content pertinent and uniquely identifiable to said client.

In a communication system, Bhatia discloses said profile service comprises selection logic for selecting content pertinent and uniquely identifiable to said client [paragraphs 0044-0045].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Young in view of Gupta by selecting content pertinent and uniquely identifiable to said client in said profile service because this feature may reduces the cost to operate. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify Young in view

of Gupta in order to need not manually request the service nor to manually enter the service [Bhatia, paragraph 0045].

27. With respect to claim 24, Young is silent on said profile service further comprise availability logic for determining whether content selected by said client is available for presentation to said client.

In a communication system, Bhatia discloses said profile service further comprise availability logic [i.e. real-time status subscriber information] for determining whether content selected by said client is available for presentation to said client [paragraphs 0046-0048].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Young in view of Gupta by determining whether content selected by said client is available for presentation to said client because this feature enables a better personalize services based upon user situation, e.g., user mobility [Bhatia, paragraph 0017]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify Young in view of Gupta in order to avoid perceived obsolescence, telecommunications system operators, and loss of identity [Bhatia, paragraph 0006].

Response to Arguments

28. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

29. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. "Method and apparatus for local advertising," by Gupta et al., U.S. Patent No. 6,487,538.
- b. "Personalized information retrieval using user-defined profile," by Dasan, U.S. Patent No. 5,761,662.
- c. "Portal server that provides a customizable user interface for access to computer network," by Anuff et al., U.S. Patent No. 6,327,628.
- d. "Instant messaging via telephone interfaces," by Bogard, U.S. Patent No. 6,757,365.

30. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi V Tran whose telephone number is (571) 272-4067. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Patent Examiner
Art Unit 2151

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